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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,480	06/01/2001	Kouki Fukui	2001_0681A	1037

513 7590 08/25/2004

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021

EXAMINER

AUGHENBAUGH, WALTER

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,480

Applicant(s)

FUKUI, KOUKI

Examiner

Walter B Aughenbaugh

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-42, 44, 45 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-42, 44, 45 and 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The finality of the rejection of the last Office Action mailed December 29, 2003 (Paper 12) has been vacated.
2. The prosecution of application serial number 09/870,480 has been reopened.
3. Claims 43 and 46 were cancelled in the After Final Amendment filed March 29, 2004.

WITHDRAWN REJECTIONS

4. The 35 U.S.C. 103 rejection of claims 16, 17 and 40 and the 35 U.S.C. 103 rejection of claim 39 that was repeated in paragraph 7 of Paper 12 that was repeated in paragraph 5 of Paper 12 have been withdrawn due to Applicant's arguments regarding these rejections in the Appeal Brief filed June 1, 2004.

REPEATED REJECTIONS

5. The 35 U.S.C. 103 rejection of claims 15, 18-27 and 31-36 that was repeated in paragraph 4 of Paper 12 has been repeated for the reasons previously made of record in paragraph 4 of Paper 12.
6. The 35 U.S.C. 103 rejection of claims 16, 17 and 40 that was repeated in paragraph 5 of Paper 12 has been repeated for the reasons previously made of record in paragraph 5 of Paper 12.
7. The 35 U.S.C. 103 rejection of claims 28-30, 37, 38, 41 and 42 that was repeated in paragraph 6 of Paper 12 has been repeated for the reasons previously made of record in paragraph 6 of Paper 12.
8. The 35 U.S.C. 103 rejection of claims 44, 45 and 47 made of record in paragraph 10 of Paper 12 has been repeated for the reasons previously made of record in paragraph 10 of Paper 12.

NEW REJECTIONS

Claim Rejections - 35 USC § 103

9. Claims 16, 17 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parrott et al. in view of Berdan, II and in further view of Clarke. Parrott et al., Berdan, II and Clarke teach the duct as discussed in paragraph 11 of Paper 10. In regard to claims 16 and 40, the bonding agent of Parrott et al. is necessarily noncombustible since Parrott et al. teach that the insulating mineral wool material that is bonded by the bonding agent provides a fire-resisting material (second full paragraph of page 3). In regard to claim 17, Parrott et al. teaches that the mineral wool material (which is composed of mineral fibers) such as rock wool (first full paragraph of page 3) is the noncombustible insulating material (first three lines and last seven lines of page 2); therefore, the noncombustible insulating material comprises noncombustible insulating fibers.

10. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parrott et al. in view of Berdan, II and in further view of Clarke and in further view of Hinden et al. Parrott et al., Berdan, II, Clarke and Hinden et al. teach the duct as discussed in paragraph 13 of Paper 10. The bonding agent of Parrott et al. is necessarily noncombustible since Parrott et al. teach that the insulating mineral wool material that is bonded by the bonding agent provides a fire-resisting material (second full paragraph of page 3).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter B. Aughenbaugh whose telephone number is 571-272-

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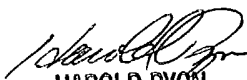
1488. The examiner can normally be reached on Monday-Thursday from 9:00am to 6:00pm and on alternate Fridays from 9:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Walter B. Aughenbaugh
08/23/04

WBA


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

8/23/04